

REMARKS

Claims 1-14, 36 and 37 are pending in this application. By this Amendment, claims 9, 10, 11, 13 and 37 have been canceled without prejudice or disclaimer. The applicant respectfully submits that no new matter has been added. It is believed that this Response is fully responsive to the Office Action dated March 27, 2002.

Allowable Subject Matter:

Applicant gratefully acknowledges the Examiner's indication that claims 1 - 8 and 36 are allowable. (See page 3 of the outstanding Action).

As To The Merits:

As to the merits of this case, the Examiner sets forth the following rejection:

claims 9 - 14 and 37 stand rejected under 35 U.S.C. §102(e) based on **Fukase** (U.S. Patent No. 5,728,596).

This rejection is respectfully traversed.

The basic structures of claims 12 and 14 are substantially the same as that of allowed claim 2. That is, claims 12 and 14 have one feature that the second insulation film fills the spaces between the two conductor patterns where the contact hole is not formed and does not extend over the etching stopper film. Based on the feature, micronized contact holes can be formed without forming the micronized photoresist pattern (see., FIG. 10A and FIG. 11D (the inter-layer insulation film 77 corresponds to the second insulation film of claim 12), and page 37, line 9 to page 38, line 8 of the specification of the present application) and the depth of the contact hole can be shallow.

However, in **Fukase**, the insulation film 13 extends over the etching stopper layer 7 (see, e.g., FIG. 2G of **Fukase**). Thus, THE above described effects obtained by the present invention are not achieved by **Fukase**. **Fukase** neither teaches nor suggests that the insulation film is not extending over the etching stopper film. The Examiner also states in "Allowable Subject Matter" that the prior art also fails to show a first insulation film which does not extend over the etch stop layer.

Thus, **Fukase** is clearly different from the claimed invention and does not provide any motivation for the present invention.

In view of the aforementioned amendments and accompanying remarks, claims 12 and 14 are in condition for allowance, which action, at an early date, is requested.

AMENDMENT

U.S. Patent Application Serial No. 09/050,113

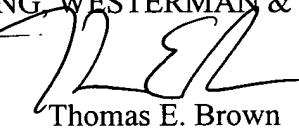
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully Submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Version with markings to show changes made

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AMENDMENT

U.S. Patent Application Serial No. 09/050,113

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 9, 10, 11, 13 and 37 have been canceled without prejudice or disclaimer.